

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340
ILLINOIS VETERANS' HOMES CODE
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150 AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

151

152 SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a
 153 maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg.
 154 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1,
 155 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg.
 156 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996;
 157 amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162,
 158 effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at
 159 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1,
 160 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870,
 161 effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency
 162 amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days;
 163 emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003;
 164 emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150
 165 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September
 166 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg.
 167 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12,
 168 2005, for a maximum of 150 days; emergency rule modified in response to JCAR
 169 Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the
 170 maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg.
 171 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006;
 172 amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective

April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007; amended at 33 Ill. Reg. 9384, effective June 17, 2009; amended at 34 Ill. Reg. 19214, effective November 23, 2010; amended at 35 Ill. Reg. 3442, effective February 14, 2011; amended at 35 Ill. Reg. 11596, effective June 29, 2011; amended at 37 Ill. Reg. 2330, effective February 4, 2013; amended at 37 Ill. Reg. 4983, effective March 29, 2013; amended at 39 Ill. Reg. 5482, effective March 25, 2015; amended at 42 Ill. Reg. 1132, effective January 5, 2018; emergency amendment at 44 Ill. Reg. 8548, effective May 5, 2020, for a maximum of 150 days; emergency repeal of emergency rule at 44 Ill. Reg. 16291, effective September 15, 2020; emergency amendment at 44 Ill. Reg. 18994, effective November 19, 2020, for a maximum of 150 days; emergency rule expired April 17, 2021; emergency amendment at 45 Ill. Reg. 425, effective December 18, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 2098, effective January 27, 2021, for the remainder of the 150 days; emergency rule as amended expired May 16, 2021; emergency amendment at 45 Ill. Reg. 5576, effective April 18, 2021, for a maximum of 150 days; emergency expired September 14, 2021; emergency amendment at 45 Ill. Reg. 6719, effective May 17, 2021, for a maximum of 150 days; emergency expired October 13, 2021; emergency amendment at 45 Ill. Reg. 11994, effective September 15, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14597, effective November 5, 2021, for the remainder of the 150 days; emergency expired February 11, 2022; emergency amendment at 45 Ill. Reg. 13725, effective October 14, 2021, for a maximum of 150 days; emergency expired March 12, 2022; emergency amendment at 45 Ill. Reg. 14039, effective October 22, 2021, for a maximum of 150 days; emergency expired March 20, 2022; emergency amendment at 46 Ill. Reg. 3297, effective February 12, 2022, for a maximum of 150 days; emergency expired July 11, 2022; emergency amendment at 46 Ill. Reg. 5357, effective March 13, 2022, for a maximum of 150 days; emergency expired August 9, 2022; emergency amendment at 46 Ill. Reg. 5590, effective March 21, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 10504, effective June 2, 2022; emergency amendment at 46 Ill. Reg. 13432, effective July 15, 2022, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 16504, effective September 19, 2022 for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 18268, effective October 31, 2022, for the remainder of the 150 days; emergency expired December 11, 2022; amended at 46 Ill. Reg. 14285, effective July 27, 2022; emergency amendment at 46 Ill. Reg. 20295, effective December 12, 2022, for a maximum of 150 days; amended at 47 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 340.1010 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

~~A) NFPA No. 99: Standard for Health Care Facilities (2000 Edition), which may be obtained from the National Fire Protection~~

Association, 1 Batterymarch Park, Quincy, Massachusetts 02169.
(See Section 340.1650.)

~~A~~B) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, ~~Fourth~~~~Third~~ Edition (~~2014~~~~2007~~), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box ~~117223~~~~933104~~, Atlanta, ~~GA~~Georgia ~~30368-7223~~~~31193-3104~~ (800-762-2264). (See Section 340.1550.)

~~B~~C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE): ASHRAE Guideline 12-2020, "Managing the Risk of Legionellosis Associated with Building Water Systems" (March 30, 2021), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, ~~GA~~Georgia 30329.

2) Federal guidelines:

A) The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, ~~VA~~Virginia 22161:

- i) Guideline for Prevention of Catheter-Associated Urinary Tract Infections; available at:
<https://www.cdc.gov/infectioncontrol/pdf/guidelines/cauti-guidelines-H.pdf> (June 6, 2019); ~~(October 1981)~~
- ii) Guideline for Hand Hygiene in Health-Care Settings, available at:
<https://www.cdc.gov/infectioncontrol/guidelines/hand-hygiene/index.html> (October 2002);
- iii) Guidelines for Prevention of Intravascular Catheter-Related Infections, available at:
<https://www.cdc.gov/hai/pdfs/bsiguideines-2011.pdf> ~~(2011)~~~~(2002)~~;
- iv) Guideline for Prevention of Surgical Site Infection,

- available at:
<https://www.cdc.gov/infectioncontrol/guidelines/ssi/index.html> (August 2017)~~(1999)~~;
- v) [Guidelines for Preventing Healthcare-Associated Pneumonia, 2003](#), available at:
<https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm> (March 26, 2004)~~Guideline for Prevention of Nosocomial Pneumonia (February 1994)~~;
- vi) [2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings](#), available at:
<https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf> (May 2022)~~Guideline for Isolation Precautions in Hospitals (February 18, 1997)~~;
- vii) [Infection Control in Healthcare Personnel](#), available in two parts: [Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services](#) (October 25, 2019) and [Epidemiology and Control of Selected Infections Transmitted Among Healthcare Personnel and Patients](#) (November 5, 2021), both available at:
<https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html>.~~Guidelines for Infection Control in Health Care Personnel (1998)~~.
- B) The following publication may be obtained at the Centers for Disease Control and Prevention website: [Toolkit for Controlling Legionella in Common Sources of Exposure](#) (January 13, 2021), available at <https://www.cdc.gov/legionella/downloads/Control-Toolkit-All-Modules.pdf>
~~<https://www.cdc.gov/legionella/downloads/Control-Toolkit-Modules.pdf>~~
- 3) Federal regulations:
- A) Definitions (38 CFR 51.2, effective [July 1, 2021](#)~~February 7, 2000~~);
- B) Resident rights (38 CFR 51.70, effective [July 1, 2021](#)~~February 7, 2000~~);

- C) Admission, transfer and discharge rights (38 CFR 51.80, effective [July 1, 2021](#)~~February 7, 2000~~);
- D) Resident behavior and facility practices (38 CFR 51.90, effective [July 1, 2021](#)~~February 7, 2000~~);
- E) Quality of life (38 CFR 51.100, effective [July 1, 2021](#)~~February 7, 2000~~);
- F) Resident assessment (38 CFR 51.110, effective [July 1, 2021](#)~~February 7, 2000~~);
- G) Quality of care (38 CFR 51.120, effective [July 1, 2021](#)~~February 7, 2000~~);
- H) Nursing services (38 CFR 51.130, effective [July 1, 2021](#)~~February 7, 2000~~);
- I) Dietary services (38 CFR 51.140, effective [July 1, 2021](#)~~February 7, 2000~~);
- J) Physician services (38 CFR 51.150, effective [July 1, 2021](#)~~February 7, 2000~~);
- K) Specialized rehabilitative services (38 CFR 51.160, effective [July 1, 2021](#)~~February 7, 2000~~);
- L) Dental services (38 CFR 51.170, effective [July 1, 2021](#)~~February 7, 2000~~);
- M) Pharmacy services (38 CFR 51.180, effective [July 1, 2021](#)~~February 7, 2000~~);
- N) Infection control (38 CFR 51.190, effective [July 1, 2021](#)~~February 7, 2000~~);
- O) Physical environment (38 CFR 51.200, effective [July 1, 2021](#)~~February 7, 2000~~);
- P) Administration (38 CFR 51.210, effective [July 1, 2021](#)~~February 7, 2000~~);
- Q) Prescriptions (21 CFR 1306, effective April 1, [2021](#)~~2002~~).

R) Medical Foster Homes - General (38 CFR 17.73, effective July 1, 2021)

- b) The following federal and State statutes (State statutes are available at <https://ilga.gov/legislation/ilcs/ilcs.asp>) are referenced in this Part:
- 1) Civil Rights Act of 1964 (42 U.S.C.~~USC~~ 2000e et seq.);
 - 2) Social Security Act (42 U.S.C.~~USC~~ 301 et seq., 1935~~1395~~ et seq., and 1936~~1396~~ et seq.);
 - 3) Veterans' Benefits (38 USC 101; 38 U.S.C.~~USC~~ 641 et seq.);
 - 4) Controlled Substances Act (21 U.S.C.~~USC~~ 802);
 - 5) Illinois Dental Practice Act [225 ILCS 25];
 - 6) Election Code [10 ILCS 5];
 - 7) Freedom of Information Act [5 ILCS 140];
 - 8) General Not For Profit Corporation Act of 1986 [805 ILCS 105];
 - 9) Illinois Health Facilities Planning Act [20 ILCS 3960];
 - 10) Nurse Practice Act [225 ILCS 65];
 - 11) Illinois Occupational Therapy Practice Act [225 ILCS 75];
 - 12) Illinois Physical Therapy Act [225 ILCS 90];
 - 13) Life Care Facilities Act [210 ILCS 40];
 - 14) Medical Practice Act of 1987 [225 ILCS 60];
 - 15) Mental Health and Developmental Disabilities Code [405 ILCS 5];
 - 16) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70];
 - 17) Nursing Home Care Act [210 ILCS 45];

- 18) Pharmacy Practice Act [225 ILCS 85];
- 19) Probate Act of 1975 [755 ILCS 5];
- 20) Illinois Public Aid Code [305 ILCS 5].
- 21) Counties Code [55 ILCS 5];
- 22) Hospital Licensing Act [210 ILCS 85];
- 23) Child Care Act of 1969 [225 ILCS 10];
- 24) Community Living Facilities Licensing Act [210 ILCS 35];
- ~~25) Community Residential Alternatives Licensing Act [210 ILCS 40];~~
- ~~25~~²⁶) Supportive Residences Licensing Act [210 ILCS 65];
- ~~26~~²⁷) Assisted Living and Shared Housing Act [210 ILCS 9];
- ~~27~~²⁸) Alternative Health Care Delivery Act [210 ILCS 3];
- ~~28~~²⁹) Clinical Psychologist Licensing Act [225 ILCS 15];
- ~~29~~³⁰) Clinical Social Work and Social Work Practice Act [225 ILCS 20];
- ~~30~~³¹) Alzheimer's and Related Dementias Special Care Disclosure Act [~~210~~²²⁰ ILCS 4];
- ~~31~~³²) Illinois Administrative Procedure Act [5 ILCS 100];
- ~~32~~³³) Illinois Act on the Aging [20 ILCS 105];
- ~~33~~³⁴) Health Care Worker Background Check Act [225 ILCS 46];
- ~~34~~³⁵) Illinois Controlled Substances Act [720 ILCS 570];
- ~~35~~³⁶) Wrongs to Children Act [720 ILCS 150];
- ~~37) Criminal Jurisprudence Act [720 ILCS 115];~~
- ~~36~~³⁸) Illinois Power of Attorney Act~~Powers of Attorney for Health Care Law~~ [755 ILCS 45/Art. IV];

~~39)~~ ~~Probate Act of 1975 [775 ILCS 5];~~

~~37~~~~40)~~ Mental Health and Developmental Disabilities Code [405 ILCS 5];

~~38~~~~41)~~ Illinois Living Will Act [755 ILCS 35];

~~39~~~~42)~~ Health Care Surrogate Act [755 ILCS ~~40~~~~45~~];

~~40~~~~43)~~ Health Care Right of Conscience Act [745 ILCS 70];

~~41~~~~44)~~ Illinois Optometric Practice Act of 1987 [225 ILCS 80];

~~42~~~~45)~~ Physician Assistant Practice Act of 1987 [~~225~~~~220~~ ILCS 95];

~~43~~~~46)~~ Podiatric Medical Practice Act of 1987 [225 ILCS 100].

c) The following State of Illinois rules, available at
<https://ilga.gov/commission/jcar/admincode/titles.html> ~~are referenced:~~

- 1) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690);
- 2) Department of Public Health, Control of Sexually Transmissible Infections~~Diseases~~ Code (77 Ill. Adm. Code 693);
- 3) Department of Public Health, Food ~~Service Sanitation~~ Code (77 Ill. Adm. Code 750);
- 4) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890);
- 5) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905);
- 6) Department of Public Health, Drinking Water Systems Code (77 Ill. Adm. Code 900);
- 7) Department of Public Health, ~~Illinois~~ Water Well Construction Code (77 Ill. Adm. Code 920);
- 8) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);

- 9) Department of Public Health, Access to ~~Public~~ Records of the Department of Public Health (2 Ill. Adm. Code 1127);
 - 10) Department of Public Health, Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395);
 - 11) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696);
 - 12) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955);
 - 13) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940);
 - 14) Department of Financial and Professional Regulation, Illinois Controlled Substances Act (77 Ill. Adm. Code 3100);
 - 15) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060);
 - 16) Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140~~140.544~~).
- d) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 47 Ill. Reg. _____, effective _____)